



Corr Wireless

September 3, 2003

VIA ELECTRONIC COMMENT FILING SYSTEM

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

Re: ***Corr Wireless Communications, LLC Ex Parte Comments in Reply to Farmers Telephone Cooperative, Inc.'s Reply Comments***

Corr Wireless Communications, LLC Petition for Designation as an Eligible Telecommunications Carrier in Certain Rural Service Areas in the State of Alabama; CC Docket No. 96-45

Dear Secretary Dortch:

Pursuant to Section 1.1206 of the Commission's Rules, Corr Wireless Communications, LLC ("Corr Wireless" or "Company") hereby submits these *Ex Parte* Comments in reply to the Reply Comments of Farmers' Telephone Cooperative, Inc. ("Farmers") filed on August 8, 2003, in opposition to Corr Wireless' Petition for Designation as an Eligible Telecommunications Carrier in the rural portions of its licensed service territory in the State of Alabama ("Rural ETC Petition"). The substance of the Farmers' Reply Comments merely support the Comments filed by the "Alabama Rural Local Exchange Carriers" ("Alabama Rural LECs")¹ and by the "Rural

¹ The "Alabama Rural Local Exchange Carriers" ("Alabama Rural LECs") include the following carriers: Ardmore Telephone Company; Blountsville Telephone Company, Inc.; Brindlee Mountain Telephone Company, Inc.; Butler Telephone Company, Inc.; Castleberry Telephone Company, Inc.; Graceba Total Communications, Inc.; GTC, Inc.; Gulf Telephone Company; Haynesville Telephone Company, Inc.; Hopper Telecommunications Company, Inc.; Interstate Telephone Company; Millry Telephone Company Inc.; Mon-Cre Telephone Cooperative, Inc.; Moundville Telephone Company, Inc.; National Telephone of Alabama, Inc.; New Hope Telephone Cooperative, Inc.; Oakman Telephone Company; OTELCO Telephone, LLC; Peoples Telephone Company; Ragland Telephone Company; Roanoke Telephone Company, Inc.; Union Springs Telephone Company, Inc.; and Valley Telephone Company.

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Telcos”² (collectively, the “Other Commenters”), and thus should be disregarded by the Commission as outside the scope of this proceeding.

Specifically, like the Comments of the Alabama Rural LECs and the Rural Telcos, Farmers’ Reply Comments do not address the merits of Corr Wireless’ Rural ETC Petition. Instead, Farmers has chosen to follow the Other Commenters and use this proceeding as a way to voice its concerns regarding the current ETC designation policy and rules, criticizing the Commission’s existing ETC public interest analysis and the current list of ETC-supported services.³ Similar to the Other Commenters, Farmers does not cite to the specifics of Corr Wireless’ Petition even once, other than to express support for the Alabama Rural LECs’ position that the Commission should delay consideration of the Petition until completion of the *Competitive ETC Proceeding* currently pending before the Federal-State Joint Board on Universal Service (“Joint Board”).⁴ Additionally, in accord with Alabama Rural LECs and the Rural Telcos, Farmers bemoans the fact that competitive providers, particularly wireless carriers, are allowed to receive ETC designation,⁵ claiming that eventually all wireless carriers will need to seek ETC status in rural areas to remain competitive.⁶ Finally, as with the Alabama Rural LECs, Farmers devotes an entire section of its Reply Comments to argue that ETC status should not be granted at anything less than the study area level, even though Corr Wireless is not seeking ETC designation for any partial study areas in its Rural ETC Petition.⁷

Accordingly, Corr Wireless submits that the Farmers’ Reply Comments should be dismissed for the same reasons that the Comments of the Alabama Rural LECs and the Rural Telcos should be dismissed, as described in Corr Wireless’ Reply Comments filed on August 11, 2003, and incorporated herein by reference. Importantly, as explained in those Reply Comments, the validity of Commission’s current ETC designation rules and policies is not at issue in this proceeding.⁸ The policy concerns of Farmers and the Other Commenters are more appropriate for submission and consideration in the *Competitive ETC Proceeding* before the

² The “Rural Telcos” include the following carriers: Blountsville Telephone Company; Brindlee Mountain Telephone Company; Hopper Telecommunications, Inc.; and OTELCO Telephone, LLC.

³ See Farmers Comments at 2-4, 5-7.

⁴ See *id.* at 1 (citing Alabama Rural LECs Comments at 28); see generally *Federal-State Board on Universal Service Seeks Comment on The Commission’s Rules Relating to High-Cost Universal Service Support and the ETC Designation Process*, CC Docket No. 96-45, Public Notice, FCC 03J-1 (rel. Feb. 7, 2003) (“*Competitive ETC Proceeding*”); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 02-307 (rel. Nov. 8, 2002).

⁵ See *id.* at 2-4, 6-7.

⁶ See *id.* at 6.

⁷ See *id.* at 2-4.

⁸ See Corr Wireless Reply Comments at 4-5.

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Joint Board. Indeed, Commission consideration of the Reply Comments of Farmers and the Comments of the Alabama Rural LECs and the Rural Telcos in this ETC designation proceeding would only serve to give *de facto* deference to their policy arguments and thus bypass the established process for deliberation of such issues through the *Competitive ETC Proceeding*.

Moreover, the Commission has rejected policy issues raised in the ETC designation process as outside the scope of the proceeding⁹ and should do so again here. The issue at hand is whether Corr Wireless' Rural ETC Petition should be granted under the Commission's existing rules and policies, and thus Farmers' policy concerns, like the Alabama Rural LECs' and the Rural Telcos' policy concerns, should be dismissed by the Commission as not appropriate for consideration in this proceeding. Instead, Corr Wireless has demonstrated that it meets the statutory requirements for ETC designation under the Commission's existing rules and policies and thus should be granted without delay.¹⁰

Respectfully submitted,

/s/Tom Buchanan
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⁹ *RCC Holdings, Inc. Petition for Designation as an Eligible Telecommunications Carrier Throughout its Licensed Service Area in the State of Alabama*, CC Docket No. 96-45, Memorandum Opinion and Order, 17 FCC Rcd. 23532, ¶32 (2002) ("*RCC Holdings ETC Order*"); *Cellular South License, Inc. Petition for Designation as an Eligible Telecommunications Carrier Throughout its Licensed Service Area in the State of Alabama*, CC Docket No. 96-45, Memorandum Opinion and Order, 17 FCC Rcd. 24393, ¶3 (2002).

¹⁰ See Corr Wireless Rural ETC Petition at 3-9; see also Corr Wireless Reply Comments at 7-11.

CERTIFICATE OF SERVICE

I, Tom Buchanan, hereby certify that on this 3rd day of September, 2003, a true and correct copy of the foregoing *Corr Wireless Communications, LLC Ex Parte Comments in Reply to Farmers Telephone Cooperative, Inc.'s Reply Comments* was served via First Class Mail, U.S. postage prepaid, Federal Express, or E-Mail on the following parties:

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